

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY J. STEWART,

Defendant.

8:16CR92

**ORDER ON APPEARANCE FOR SUPERVISED
RELEASE VIOLATION**

The defendant appeared before the Court on December 10, 2019 regarding Amended Petition for Offender Under Supervision [73]. Karen Shanahan represented the defendant. Russell Mayer represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The government made an oral motion to dismiss Petition for Offender Under Supervision [57]. The government's oral motion to dismiss Petition for Offender Under Supervision [57] is granted without objection.

The defendant freely, knowingly, intelligently, and voluntarily waived the right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds probable cause as alleged in the petition to believe the defendant violated the terms of supervised release and the defendant should be held to answer for a final dispositional hearing. Fed. R. Crim. P. 32.1(b)(1)(C). The defendant shall appear personally for a final dispositional hearing before Senior U.S. District Judge Joseph F. Bataillon in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 11:00 a.m. on January 7, 2020.

The government moved for detention based upon risk of flight and danger. The defendant is not in federal custody and requests a detention hearing upon coming into federal custody. The defendant shall be afforded the right to a detention hearing upon coming into federal custody and the government's motion for detention is held in abeyance.

The defendant shall be returned to the custody of Nebraska state authorities pending the final disposition of this matter. The U.S. Marshal for the District of Nebraska is directed to place a detainer with the correctional officer having custody of the defendant.

IT IS SO ORDERED.

Dated this 10th day of December, 2019.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge